

OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)
Closed Case REPORT
July-August-September 2013
OPA Director's Message

The Office of Professional Accountability (OPA) Quarterly Closed Case Report provides information about Seattle Police Department (SPD) misconduct complaints. This report includes summaries of investigations that were completed during July, August and September 2013, along with any discipline imposed. It also provides data on the number and classification of complaints filed, the findings that resulted from investigations conducted, comparisons to 2012 data, information about the OPA mediation program, and policy and training recommendations.

- In July through September 2013, complaints were filed against 47 employees. This represents 2.54% of the 1,848 SPD employees.
- 17% of all allegations from investigations completed through September were Sustained, resulting in discipline (as compared to a total of 12% Sustained complaints in 2012).
- 12% of allegations closed through September resulted in a Training Referral, meaning the named employee received training or counseling as a result of the complaint (as compared to a total of 19% of allegations closed with similar finding in 2012).
- The remaining cases were closed as Unfounded, Lawful and Proper, or Inconclusive.



Seattle Police Department – Office of Professional Accountability

Closed Case Report July-August-September 2013

Investigations involving alleged misconduct of SPD employees in the course of their official public duties are summarized below. Identifying information has been removed.

July-August-September Closed Cases

Case Summary	Case Finding
The complainant, an employee within the Department, alleged that the named employee interfered with her decision to file an OPA complaint.	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> Public & Internal Complaint Process/Interfering with the Complaint Process – Unfounded <p>The evidence showed that the named employee did not attempt to interfere with the complainant's decision to file a complaint with OPA.</p>
The complainant, a supervisor within the Department, alleged that the named employee misused Family Medical Leave (FML), was dishonest with supervisors when using FML, disobeyed a written order regarding the use of FML, and failed to properly follow the Department's Sick Leave Reporting procedure.	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> Professionalism-Honesty – Sustained Insubordination – Sustained Illness & Injury/Sick Leave Reporting Responsibility – Unfounded Family & Medical Leave/Leave Usage – Inconclusive <p>The evidence found that the named employee was dishonest when requesting FML. The evidence also showed that the named employee disobeyed a written order by failing to notify a supervisor of the intent to use FML. The allegation of FML Usage could not be proved or disproved by a preponderance of the evidence. The evidence showed that the named employee did comply with the Department's sick leave reporting requirements.</p> <p>Discipline: Termination</p>
The complainant, a supervisor within the Department, reported that the named employee had been arrested for Domestic Violence (DV) Assault in his county of residence. Possible criminal conduct is defined under SPD policy as an allegation of Violation of Law.	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> Violation of Law-Administrative (DV Assault) – Inconclusive <p>The Prosecutor declined to file charges. The OPA Director recommended that the allegation be Sustained. However, the Interim Chief of Police found the evidence to be Inconclusive. Pursuant to SMC 3.28.81(A) the Chief of Police made a written statement to the Mayor and City Council of the material reasons why he issued a final finding in this case different than what had been recommended by the OPA Director.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that the named employee committed a criminal act by violating a No Contact Order. OPA added the allegations of Honesty for statements made by the employee during his OPA interview and Failure to Notify a Supervisor regarding the criminal violation.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative (Violation of No Contact Order) – Sustained 2. Honesty – Sustained 3. Public and Internal Complaint Process- Individual Employee – Sustained <p>The evidence showed that the named employee did violate a No Contact Order, was dishonest during the interview with OPA and did not report the incident to his supervisor.</p> <p>Discipline: Termination</p>
<p>The complainant alleged when he was arrested his property was taken and not returned.</p>	<p>Allegations and Findings:</p> <p>Named employees #1 & #2, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Mishandling Property/Evidence – Training Referral <p>Named employee #3</p> <ol style="list-style-type: none"> 1. Mishandling Property/Evidence – Inconclusive <p>The evidence showed named employee #1 misplaced the complainant's identification. A Training Referral finding required the named employee to review this incident with a supervisor and the supervisor emphasized the need to clearly document the location of items that are removed from a person's property. The evidence showed that named employee #2, who transported the complainant to the King County Jail, did not update paperwork reflecting the proper amount of funds that the complainant had on his person. A Training Referral finding required a supervisor to review this incident with the named employee and to review the procedures for securing and entering funds into evidence. The evidence neither proved nor disproved that named employee #3 mishandled the complaint's property.</p>
<p>The complainant, a supervisor within the Department, reported that the named employee was arrested for DV Assault.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative (DV Assault) – Sustained <p>The evidence showed that the named employee's actions did violate the law.</p> <p>Discipline: Termination</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that two named employees, while working off-duty, used two SPD patrol vehicles without authorization and were involved in a collision in which they did not take appropriate action in reporting and documenting the accident. It was also alleged that one named employee coordinated the off-duty employment and used patrol vehicles without authorization for a private security company in which he is the President and has a contract between his company and the General Contractor for which he provides off-duty officers for flagging duties. The complainant further alleged that a named supervisor failed to properly investigate and report the collision.</p>	<p>Allegations and Findings:</p> <p>Named employee #1:</p> <ol style="list-style-type: none"> 1. Secondary Employment/Prohibited Employment – Training Referral 2. Department Vehicles/Motor Pool – Inconclusive <p>Named employee #2:</p> <ol style="list-style-type: none"> 1. Collisions Involving City Vehicles/Collision Investigations – Sustained <p>Named employee #3:</p> <ol style="list-style-type: none"> 1. Department Vehicles/Motor Pool – Inconclusive 2. Collisions Involving City Vehicles/Collision Investigations – Sustained <p>Named employee #4:</p> <ol style="list-style-type: none"> 1. Department Vehicles/Motor Pool – Inconclusive 2. Collisions Involving City Vehicles/Collision Investigations – Sustained <p>The evidence showed that the off-duty assignment was properly coordinated through the Department and included a Memorandum of Understanding (MOU) between the Department and the General Contractor. The Training Referral finding for named employee #1 required the supervisor to review this incident with him and explain his role in coordinating off-duty assignments that could give the appearance that he is working through his privately owned security business. The evidence showed that the policy on using patrol vehicles during secondary employment (prohibited by Department policy) varied by precinct and all named employees sought approval through their chain of command. The evidence showed that named employee #2 (a supervisor) failed to properly document the collisions involving City vehicles. The evidence also showed that named employees #3 & #4 significantly delayed reporting the vehicle collision.</p> <p>The prior OPA Director recommended that SPD Operation Center (SPOC) procedures be reviewed with SPOC personnel to ensure that confusion over roles and responsibilities be addressed to avoid similar problems in the future. The Director and Auditor have both found that, the Department's secondary work policies and management require a thorough review. Finally, to the extent there is not a consistent protocol for checking out patrol vehicles for special events, consideration should be given as to whether one is needed or whether the process is sufficiently addressed across precincts.</p> <p>Discipline for named employee #2 – Written reprimand Discipline for employees #3 & #4 – 1-day suspension without pay</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that two officers grabbed him, placed him up against a wall, arrested him for smoking and then released him.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded 2. Terry Stops/(I.D) Closing Contacts – Unfounded <p>The evidence, including security video from nearby businesses, did not support the allegations alleged by the complainant.</p>
<p>The complainant alleged that named employees contacted him without probable cause and used excessive force, including use of a Taser, when taking him into custody.</p>	<p>Allegations and Findings:</p> <p>Named employee #1:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Lawful & Proper 2. Social Contacts, Terry Stops & Arrests – Lawful & Proper <p>Named employee #2:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Lawful & Proper 2. Social Contacts, Terry Stops & Arrests – Lawful & Proper 3. Use of Less Lethal Force – Lawful & Proper <p>The evidence showed that the named employees had a lawful basis to detain the complainant to investigate a report of a theft. The evidence, including several eyewitnesses, showed that the named officers used reasonable and necessary force given the complainant's combative behavior and attempts to gain control of the named employee's firearm.</p>
<p>The complainant, who was admitted to a hospital by a neighboring police agency, alleged that named officer, who responded to the hospital to investigate an assault by the complainant on a nurse, used excessive force. The complainant further alleged that named employee made a disparaging remark.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Lawful & Proper 2. Failure to Report the Use of Force – Unfounded 3. Professionalism-Courtesy – Unfounded <p>The evidence showed that the named employee used minimal, necessary and un-reportable force on the complainant. The visible injuries appeared to have possibly been sustained prior to complainant being contacted by named employee. The neighboring police agency had well documented the complainant's injuries on their report. The remark made by the named employee was a "corrective suggestion" and was not intended to mock the complainant.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that named employee struck him in the head while he was trying to break up a fight outside a nightclub. The complainant further alleged that the named employee harassed him about his right to carry a concealed weapon.</p>	<p>Allegations and Findings: Named employee #1: 1. Professionalism-Courtesy – Unfounded Named employee #2: 1. Unnecessary Use of Force – Unfounded</p> <p>The evidence showed named employee #1 asked the complainant where his gun was because he observed the complainant's empty gun holster and was concerned that the gun had fallen during the disturbance. The evidence also showed that named employee #2 used reasonable and necessary force when the complainant did not comply with officer orders to stop delivering strikes to another individual. The force was reviewed by an on-scene supervisor and properly documented.</p>
<p>The complainant alleged that named employees used unnecessary force and pointed a Taser at him. The named employees were responding to a call where it had been reported there was a possible burglary taking place and an elderly female was being assaulted. The complainant further alleged that named employee made an incorrect statement on his Use of Force Report.</p>	<p>Allegations and Findings: Named employee #1 1. Professionalism-Courtesy – Lawful & Proper Named employee #2 1. Unnecessary Use of Force – Lawful & Proper 2. Primary Investigations/General – Inconclusive Named employee #3 1. Unnecessary Use of Force – Training Referral</p> <p>The evidence showed that named employee #1 was within Department policy to draw the Taser. The evidence showed that the force used by named employee #2 was necessary and within Department policy to gain control of the complainant. The evidence could neither prove nor disprove whether named employee #2 made an incorrect statement on his Use of Force Report. The OPA Director recommended a Sustained finding for the Use of Force allegation for named employee #3, however, the Assistant Chief who was serving as Acting Chief found that a Training Referral would be more appropriate. Per SMC 3.28.812, the Chief of Police submitted in writing to the Mayor and City Council an explanation as to why he decided not to follow the finding recommended by the OPA Director.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that the named employee, while responding to a disturbance, removed his police identification and engaged in a physical confrontation with a citizen. The complainant also alleged that named employee interacted in a discourteous way with the public, including the use of profanity. It was also alleged that a supervisor within the Department failed to properly document the use of force.</p>	<p>Allegations and Findings: Named employee #1 1. Violation of Law (Assault) – Sustained 2. Unnecessary Use of Force – Sustained 3. Professionalism – Sustained 4. Professionalism-Courtesy – Sustained 5. Professionalism-Profanity – Sustained Named employee #2 1. Failure to Properly Document/Investigate Use of Force – Training Referral</p> <p>With respect to the five allegations made against employee #1, the evidence showed that all allegations did occur.</p> <p>Discipline: Settlement Agreement, 30-day suspension without pay; 10-days held in abeyance; disciplinary transfer; and six month suspension from all Honor Guard Activities.</p> <p>Regarding the allegation against employee #2, a Training Referral finding was made. Named employee #2 was required to review the incident and the Use of Force Policy with a supervisor.</p>
<p>The complainant, who was arrested for violating a No Contact Order, alleged that the named officers and sergeant impounded his vehicle without just cause.</p>	<p>Allegations and Findings: Named employees #1 & #2, same allegations, same finding 1. Impounding Vehicles/Policy – Training Referral 2. Professionalism-Exercise of Discretion – Unfounded Named Employee #3 1. Impounding Vehicles/Policy – Training Referral 2. Professionalism-Exercise of Discretion – Training Referral</p> <p>The evidence found that the named employees incorrectly impounded complainant's vehicle. The evidence also showed that it was named employee #3's (a supervisor) discretion to impound the vehicle. A Training referral for all named employees provided for a review of the Department's policy and procedure on when to properly impound vehicles.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that the named employees used unnecessary force when taking him into custody.</p>	<p>Allegations and Findings: Four named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Lawful & Proper <p>The evidence, including an eyewitness and surveillance video from nearby businesses, showed that the named officers used reasonable and necessary force in taking the complainant into custody.</p>
<p>The complainant alleged that the named employee spoke to him in a demeaning manner and violently grabbed his wrist. OPA added an allegation that the named employee failed to use In-Car Video during this contact.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Sustained 2. Unnecessary Use of Force – Unfounded 3. In-Car Video Policy – Sustained <p>The evidence showed that the named employee was discourteous to the complainant during this incident and the named employee also failed to activate the In-Car Video System per Department Policy. The evidence also showed that the named employee used minimal, non-reportable force on the complainant.</p> <p>Discipline: Written reprimand</p>
<p>The complainant alleged an unknown officer used a Taser on him while he was being transferred from the nursing care facility where he resides to a nearby hospital. OPA added an allegation of Failure to Report Use of Force.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded 2. Reporting the Use of Force – Unfounded <p>The evidence showed that the use of force did not occur as alleged.</p>
<p>The complainant, a supervisor from another law enforcement agency, reported that officers were dispatched to the named employee's residence to investigate an alleged DV assault. OPA added an allegation that the named employee failed to contact a supervisor per Department Policy.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Violation of Law (DV assault) – Inconclusive 2. Internal Complaint Process/Failure to Report – Unfounded <p>The evidence neither proved nor disproved whether an assault occurred between the named employee and another member of his family. The evidence showed that the named employee did contact his supervisor regarding this incident.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
The complainant alleged that the named officer was unfriendly and intimidating toward her when he stopped her for a traffic violation. The complainant further alleged when she told the named employee she was going to file a complaint against him, the named employee then wrote her a citation for the traffic infraction.	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Inconclusive 2. Professionalism-Exercise of Discretion – Lawful & Proper 3. Retaliation – Unfounded <p>The evidence neither proved nor disproved that the named employee was rude toward the complainant. The evidence showed that the named officer did not issue the citation in retaliation.</p>
The complainant, a third party, alleged that police officers injured a person while arresting her.	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded <p>The evidence, including a statement from the subject, indicated that she may have been injured when she was being booked into jail. This complaint was forwarded to King County Jail Internal Investigations Unit since it did not involve SPD officers.</p>
The complainant alleged that named employees used excessive force when taking him into custody. The complainant further alleged that the officers placed his nine-month old son at risk because he was holding him when officers pushed on the door to enter his residence and that the door allegedly struck the complainant's step-daughter. The complainant also alleged that named officers bent his step daughter's hand back and pinched her legs.	<p>Allegations and Findings:</p> <p>Named employees #1 & #2, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded <p>The evidence showed that the alleged actions did not occur as reported. The force used was reasonable and necessary and no children were injured or put in any danger.</p>
The complainant alleged that he was missing his cell phone and money from his property when he was released from the King County Jail.	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Transportation of Detainees/Safety of Detainee and Safekeeping of Detainee's Property - Unfounded <p>The evidence, that included Precinct holding cell video, showed the named officer properly securing the complainant's personal property.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that the named officer used excessive force when the complainant was taken into custody. The complainant further alleged that named officer used profanity toward him and personal items were lost during this contact.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Inconclusive 2. Safekeeping of Detainee’s Property – Lawful & Proper 3. Professionalism-Profanity – Unfounded <p>The evidence showed possible swelling to the complainant’s wrists from being handcuffed but no other visible injuries were seen. However, it could neither prove nor disprove that the force used was lawful and proper. The evidence showed the named employee did properly secure the complainant’s personal belongings and they were returned to him when he was released from the King County Jail. The evidence, including In-Car Video, showed that the named employee did not use profanity toward the complainant during this incident.</p>
<p>The complainant alleged that the named officer was frequently contacting her without cause and spoke loudly regarding her personal medical treatment.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Social Contact, Terry Stop & Arrests – Lawful & Proper 2. Terry Stops/Philosophy – Lawful & Proper 3. Professionalism-Courtesy – Inconclusive <p>The evidence showed the named officer had a lawful basis for contacting the complainant and that this contact was properly documented. The evidence could neither prove nor disprove whether named employee loudly spoke of the complainant’s medical treatment.</p>
<p>The complainant, a Department employee, alleged that the named employee and an unknown employee released confidential OPA information.</p>	<p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Release of Confidential Information – Unfounded <p>Named unknown employee #2</p> <ol style="list-style-type: none"> 1. Release of Confidential Information – Inconclusive <p>The evidence showed that named employee #1 did not release confidential OPA information. OPA was not able to identify named employee #2. However, the evidence neither proved nor disproved whether the unknown named employee released confidential information.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that the named officer lost items from the complainant's personal belongings when he was arrested.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Transportation of Detainees/Safekeeping of Property – Unfounded <p>The evidence showed that the named employee properly placed complainant's personal belongings into Evidence for safekeeping. The named employee was commended by the complainant's case worker when named employee returned to the Shelter to help locate the lost items. The case worker wrote in the commendation, "his return was completely unheard of...a great community service."</p>
<p>The complainant alleged that the named officer was rude and yelled profanity at him during a traffic stop. The complainant further alleged that the named officer damaged his side mirror during the contact.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Inconclusive 2. Professionalism-Traffic Stops – Lawful & Proper <p>The evidence neither proved nor disproved whether the named employee was discourteous toward the complainant. The evidence, including photographs, showed there was no visible damage to the complainant's vehicle side mirror.</p>
<p>The complainant alleged that named officers used excessive force when taking him into custody. The complainant also alleged a named officer took inappropriate action by believing the other party's version of the incident and not the complainant's.</p>	<p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded 2. Professionalism-Exercise of Discretion – Lawful & Proper <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded <p>The evidence, including In-Car Video, showed that no force was used toward the complainant. The evidence also showed the named officer's decision to arrest the complainant was proper and the arrest was screened by a supervisor.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that the named employee, who was working off-duty at a construction site, was rude and dismissive to her when she asked him a question. OPA added an allegation that the named employee failed to obtain a Secondary Work Permit prior to working the off-duty assignment.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none">1. Professionalism-Courtesy – Unfounded2. Secondary Employment Permits – Training Referral <p>The evidence, including an eyewitness to the incident, found that the named employee was not discourteous toward the complainant. The evidence also found that the named employee did not have a valid Secondary Work Permit to work this assignment. A Training Referral finding benefitted the named employee by having a supervisor review this incident with the named employee to stress the importance of obtaining a Secondary Work Permit prior to working any off-duty assignments.</p>
<p>The complainant alleged that the named officer used excessive force when taking him into custody.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none">1. Unnecessary Use of Force – Lawful & Proper <p>The evidence showed that the named employee used reasonable and necessary force when taking complainant into custody.</p>



Mediation Program

The OPA Director and the Auditor chose four cases during July through September to be resolved through the mediation program. Of the four cases that were selected, two complaints were resolved by mediation, one complainant declined to mediate complaint and one complainant did not return phone calls to OPA.

Cases Opened - 2012/2013 Month to Month Comparison

	Cases Classified for Supervisor Action		Cases Classified for Investigation		TOTAL	
Month	2012	2013	2012	2013	2012	2013
January	33	24	16	14	49	38
February	27	19	14	13	41	32
March	26	24	10	10	36	34
April	40	16	20	6	60	22
May	42	33	17	18	59	51
June	28	17	18	16	46	33
July	33	35	18	18	51	53
August	46	48	15	16	61	64
September	40	39	17	8	57	47
October	37		15		52	0
November	26		8		34	0
December	27		12		39	0
Totals	405	255	180	119	585	374

